In the Supreme Court of the United States

OCTOBER TERM, 1968

No. 1030

ALFRED E. COLEMAN, ET AL., PETITIONERS

v.

UNITED STATES OF AMERICA AND
WALTER J. HICKEL, SECRETARY OF THE INTERIOR

ON PETITION FOR A WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT

MEMORANDUM FOR THE RESPONDENTS

In *United States* v. *Coleman*, 390 U.S. 599, this Court reversed the previous decision of the Ninth Circuit in this case and remanded the case to that court "for further proceedings to carry out this [Court's] decision." *Id.* at 605. The court of appeals then entertained briefing and oral argument concerning the scope of this Court's decision and petitioners' additional objections. It concluded that there was "no such ambiguity or flexibility in the mandate and opinion from

the Supreme Court" as petitioners urged, and accordingly affirmed the original judgment of the district court, which it found to be in complete conformity with this Court's action (Pet. App. A-3).

This action was clearly correct. The present petition reiterated arguments most recently presented to this Court in *The Dredge Corp.* v. *J. Russell Penny*, No. 796, this Term, certiorari denied January 27, 1969. In our view, it presents no matter justifying either review in this Court or further delay in awarding the United States possession of this portion of the National Forest and excluding petitioners from continued operations therein.

CONCLUSION

For the foregoing reasons, the petition for a writ of certiorari should be denied.

Respectfully submitted.

ERWIN N. GRISWOLD,
Solicitor General.

FEBRUARY 1969.

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